

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

**LOWELL THOMAS GRAHL,**

**Plaintiff,**

**v.**

**LOWE'S HOME IMPROVEMENT  
and TERRY ARVIN,**

**Defendants.**

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**No. 3:07-CV-138  
(Phillips/Shirley)**

**ORDER OF DISMISSAL**

On September 18, 2007, plaintiff Lowell Thomas Grahl was ordered to show cause as to why defendants' motion to dismiss should not be granted [Doc. 7]. Defendants Lowe's Home Improvement and Terry Arvin filed a motion to dismiss on August 2, 2007 [Doc. 4], and plaintiff was ordered to show cause or respond to defendants' motion to dismiss on or before October 19, 2007. To date, plaintiff has failed to respond either to the motion to dismiss or to the court's direct order, indicating to the undersigned that he has no interest in proceeding against the defendants in this action.

As stated in the order to show cause, failure to respond or show adequate cause results in dismissal of the matter pursuant to E.D. TN. LR 7.2. The court finds that the plaintiff's failure to respond to the defendants' motion to dismiss operates as a waiver of any opposition to the relief sought. Accordingly, defendants' motion to dismiss [Doc. 4] is **GRANTED**, and this case is **DISMISSED** with prejudice on the merits as to defendants Lowe's Home Improvement and Terry Arvin.

**IT IS SO ORDERED.**

**ENTER:**

s/Thomas W. Phillips  
UNITED STATES DISTRICT JUDGE